

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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DEC 15 1994

In the Matter of

Amendment of '73.202(b)  
(Table of FM Allotments)  
of the Commission's Rules  
(Willcox, Arizona)

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RM- \_\_\_\_\_  
MM Docket No. \_\_\_\_\_

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To: The Commission

PETITION FOR INSTITUTION OF RULE MAKING PROCEEDING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
(Willcox, Arizona)

William S. Konopnicki, ("Konopnicki"), pursuant to Section 1.401 of the Commission's Rules, respectfully petitions the Commission to issue a Notice of Proposed Rule Making looking toward amendment of §73.202(b) of its Rules (Table of FM Allotments) to delete FM Channel 252A and add FM Channel 285C3 at Willcox, Arizona.<sup>1</sup> In Support of its Petition, Konopnicki shows as follows:

1. The incorporated city of Willcox is located in Cochise County, Arizona, in the Southeast portion of the state. Willcox, and surrounding Cochise County is growing in population. The 1993 estimated population of Willcox is approximately 3500, up from 3122 in 1990. The current population of the Willcox trading area is estimated at 20,000, within about a 25 mile driving radius of Willcox.<sup>2</sup> These people use the City as their retail shopping hub.

<sup>1</sup> Petitioner is licensee of Class A FM Station KWCX, Willcox, Arizona, which operates on Channel 252A.

<sup>2</sup> Population estimates were obtained from the Willcox Chamber of Commerce and Agriculture.

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The population of Arizona is growing, and the rate of population growth for Willcox is consistent with the state average.

Willcox has its own police department, fire department, post office, two banks, one credit union, many local businesses, a weekly newspaper, and the schools are administered by the City's own School district. Industries include agriculture and tourism.

The city government consists of a Mayor and city council with a city manager.

Willcox is presently served by standard broadcast station KHIL (AM) and by Class A FM Station KWCX (operated by the petitioner). Stations licensed to other communities in the county and nearby counties provide marginal signals into the Willcox trading area, if at all. Inasmuch as many of the people that use Willcox as their business center are outside of the 60 dbu contour of KWCX, the petitioner believes this area to be underserved.

2. The attached engineering statement by Dennis Silver, Consulting Engineer, reveals that FM Channel 285C3 can be re-allocated to Willcox, Arizona, meeting all geographical spacings as required by applicable Commission Rules, with a transmitter site located such that all of Willcox can be served with a 70 dbu contour. The Engineering statement also shows that there is another channel which can be allocated to Willcox should anyone else have interest in a comparable channel at Willcox.

3. If the Commission ultimately allocates FM Channel 285C3 to Willcox, Arizona, Konopnicki will file an application for authority

to improve the facilities of KWCX to C3, and upon grant will construct the improved facilities and operate the station with the increased facilities.

WHEREFORE, the foregoing premises considered, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making to amend §73.202 of its Rules (Table of FM Allotments) to replace Channel 252A with Channel 285C3 at Willcox, Arizona.

Respectfully Submitted,

  
William S. Koropnicki

13 December, 1994

# ENGINEERING STATEMENT

NEW FM ALLOCATION  
CHANNEL 285C3 Willcox, Arizona  
William S. Konopnicki

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## I. INTRODUCTION.

Purpose. This statement has been prepared by Dennis Silver, P.E., Consulting Radio Engineer, for the petitioner, William S. Konopnicki, who seeks to have the Commission amend the FCC FM Table of Assignments to specify the replacement of Channel 252A with Channel 285C3 at Willcox, Arizona.<sup>1</sup> This petition for rulemaking, if granted, will provide the area surrounding city of Willcox with improved FM Broadcast service, particularly for many who go to Willcox to do business, but who do not now have primary FM service from a station licensed to serve Willcox.

I, Dennis Silver, was retained by William S. Konopnicki, to conduct an engineering determination concerning the feasibility of assigning the proposed FM channel at Willcox, Arizona. I am a Consulting Radio Engineer with offices at 3404 West 2640 South, West Valley City, Utah. I am licensed in the State of Utah as a Professional Engineer, license number 168212 (formerly 7096), and my qualifications are a matter of record with the Commission. This engineering exhibit was prepared pursuant to my employment by William S. Konopnicki.

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<sup>1</sup> Petitioner is licensee of Class A FM Station KWCX, Willcox, Arizona, which operates on Channel 252A.

## II. LOCATION.

Many rural areas near Willcox which regard themselves as part of the Willcox community are not now well served by the Willcox FM station due to the limited facilities of the station. Much of the Willcox trading area that is not presently served by the Willcox FM Station is also not within the 60 dbu contour of any domestic commercial FM station. The upgraded allocation, if granted and constructed at the site requested herein, will add FM service to approximately 1770 square kilometers<sup>2</sup> of area that does not now receive primary FM service. Several of the available transmitter sites which would provide higher quality service to the area require the use of higher class facilities for compliance with §73.315(a) of the rules.

The Geographical Coordinates for Willcox in the U.S. Atlas are:<sup>3</sup> 32° 15' 12" North Latitude 109° 50' 12" West Longitude.

Willcox is presently served by KWCX (252A), which is licensed to the petitioner, and the coordinates of the present location of KWCX, Willcox are:

32° 16' 00" North Latitude 109° 49' 58" West Longitude.<sup>4</sup>

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<sup>2</sup>The area was determined by plotting contours calculated using the procedure of §73.313 of the rules and then measuring the area with a LASICO Model L-30 Compensating Polar Planimeter. Terrain data was obtained by linearly interpolating the USGS-DMA 03 second database.

<sup>3</sup> The city is located in parts of Ranges 24 and 25 East, Townships 13 and 14 South, Arizona.

<sup>4</sup>1.52 km NNNW of the coordinates in the U.S. Atlas.

The requested channel meets all allocation spacing and coverage requirements at:

32° 14' 48" North Latitude 109° 39' 52" West Longitude.<sup>5</sup>

which is at or near where the petitioner intends to build the station, if practicable. The higher class allocation also meets all allocation spacing requirements at the present location of KWCX, Willcox; and at the reference coordinates for Willcox in the U.S. Atlas.

### III. POSSIBLE CHANNELS FOR USE AT WILLCOX.

As noted above, Class C3 facilities are desirable to insure that the city of Willcox and the surrounding areas that use Willcox as their business center may have more adequate radio service. It appears from a careful study of the FM assignments, allocations and proposed rule makings that Channel 285C3 meets this requirement.

If another party also has interest in serving Willcox, Channel 223C3 is also available for allocation at 32°20'00" North Latitude, 109°48'10" West Longitude, which is 9.4 km NNE (19.7°T) of the coordinates for Willcox given in the U.S. Atlas. If this possible Channel 223C3 allocation is made at Willcox, a site restriction of 8.96 km NNNE (13.5°T) will also be required for Channel 223C1 at Eagar, Arizona. Construction Permit BMPH-940120IC for KTHQ, 223C1,

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<sup>5</sup>16.25 km. East-southeast of the coordinates in the U.S. Atlas.

Eagar, Arizona, is authorized to the petitioner and meets this site restriction requirement.<sup>6</sup>

#### IV. REQUESTED ALLOCATION.

Accordingly, it is respectfully requested that Section 73.202 of the FCC Rules and Regulations be amended as follows:

COMMUNITY	EXISTING	PROPOSED
Willcox, AZ.	252A	285C3

It is the petitioner's intention to apply for a construction permit to operate, and (upon grant of the permit) to construct the upgraded facilities and operate same. Should another party also have interest in serving Willcox, Channel 223C3 is also available for allocation at 32°20'00" North Latitude, 109°49'10" West Longitude.

#### V. ALLOCATION STUDY.

The following Table I shows the location of, distances to, and required separations with respect to co-, adjacent and I.F. spaced channels for Channel 285C3, at the site requested by the petitioner. Channel 285C3 may be allocated to Willcox, Arizona

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<sup>6</sup>Permit BMPH-940120IC for KTHQ is authorized at 34°15'06" North Latitude and 109°35'36" West Longitude, which is 214.1 km (greater than 211 km) at 5.4° from the potential 223C3 location for Willcox, and meets the site restriction requirement that would be imposed on the Eagar allotment should 223C3 be allocated at Willcox. Construction on KTHQ is underway and will be completed in the Spring.

without a site restriction,<sup>7</sup> and Table II shows the same information with respect to the reference coordinates for Willcox in the U.S. Atlas. Table III gives the allocation constraints for the possible alternate Channel 223C3 at a site which would be acceptable for that allocation. In all of the studies, Mexican Class A allotments have been treated as Class AA allotments under the terms of the new treaty. Figure I is a map showing the location constraints for Channel 285C3, the locations of the Willcox reference coordinates, the present site of KWCX, the site requested, and the 70 dbu contour from the requested site using maximum C3 facilities with a center of radiation of 2025 m. AMSL, which is about 25 m. AGL at that location. Figure II is a map showing the location constraints for Channel 223C3, the permissible location for that allocation, and the location of the Willcox reference coordinates.

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<sup>7</sup>The petitioner intends to use a site which is at or near the area 16.2 km ESE (126.5°T) from the reference coordinates.



TABLE I

Constraints Study FM Channel 285C3

Title: Silver Peak Potential Site  
Reference City: Willcox, AZ  
Translators Are Not Included

Latitude: 32-14-48  
Longitude: 109-39-52  
FCC Database: 941026

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
VACANT			231C		32-49-30	352.2	64.7	31
Safford	AZ		94.1		109-45-30	172.2	33.7	CLEAR
Effective 3-9-92-Reserved for KXKQ per D91-306 Docket: 91-306								
KXKQ	LIC	McMurray Communicatio	231C1	100.	32-49-30	352.2	64.7	24
Safford	AZ	BLH-790725AF	94.1	-98	109-45-30	172.2	40.7	CLEAR
*To amend to channel 231C per D91-306								
Nogales	SO		282B		31-19-49	230.2	158.1	71
			104.3		110-56-42	49.6	87.1	CLEAR
Los Moscos	CH		283A		31-32-24	118.4	163.3	48
			104.5		108-08-50	299.1	115.3	CLEAR
Cananea	SO		284B		30-58-57	203.3	152.7	145
			104.7		110-18-01	23.0	7.7	CLOSE
KVRY	LIC	Nationwide Communicat	284C	100.	33-20-04	299.0	254.4	176
Mesa	AZ	BLH-6100	104.7	472	112-03-35	117.7	78.4	CLEAR
Nuevo Casas Grandes	CH		285B		30-23-15	141.6	262.0	211
			104.9		107-58-00	322.5	51.0	CLEAR
Nogales	SO		286B		31-19-49	232.4	158.1	145
			105.1		110-56-42	49.6	13.1	CLEAR
XHNIFM			286B	5.2	31-19-52	230.5	158.8	145
Nogales	SO		105.1	-39	110-57-17	49.8	13.8	CLEAR
USED			287C2		32-48-59	306.8	106.3	56
Kearny	AZ		105.3		110-34-30	126.3	50.3	CLEAR
Effective 2-26-90-Rsvd for KCDX, per D89-75								
KZLZ	LIC	Desert West Air Ranch	287C2	50.	32-49-38	307.5	106.6	56
Kearny	AZ	BLH-910521KC	105.3	150	110-34-12	127.0	50.6	CLEAR

End of Constraints Study FM Channel 285C3

TABLE II

Constraints Study FM Channel 285C3

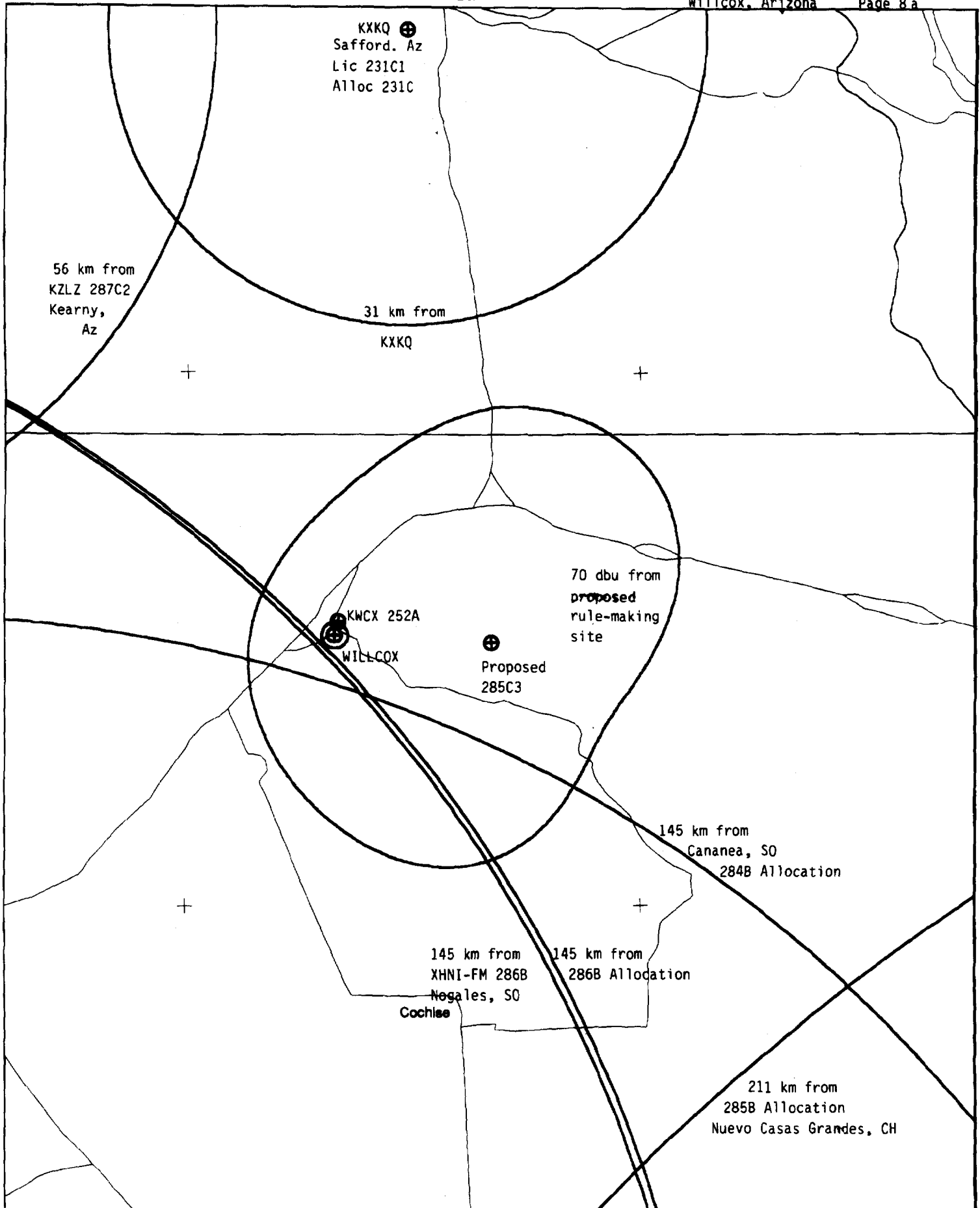
Title: Willcox U.S. Atlas Coordinates  
Reference City: Willcox, AZ  
Translators Are Not Included

Latitude: 32-15-12  
Longitude: 109-50-12  
FCC Database: 941026

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
VACANT			231C		32-49-30	6.6	63.8	31
Safford	AZ		94.1		109-45-30	186.6	32.8	CLEAR
Effective 3-9-92-Reserved for KXKQ per			D91-306	Docket: 91-306				
KXKQ	LIC	McMurray Communicatio	231C1	100.	32-49-30	6.6	63.8	24
Safford	AZ	BLH-790725AF	94.1	-98	109-45-30	186.6	32.8	CLEAR
*To amend to channel 231C per D91-306								
			282B		31-19-49	255.9	146.5	71
Nogales	SO		104.3		110-56-42	45.3	75.5	CLEAR
			284B		30-58-57	197.4	147.7	145
Cananea	SO		104.7		110-18-01	17.1	2.7	CLOSE
KVRY	LIC	Nationwide Communicat	284C	100.	33-20-04	300.6	239.9	176
Mesa	AZ	BLH-6100	104.7	472	112-03-35	119.4	63.9	CLEAR
			285B		30-23-15	138.9	272.9	211
Nuevo Casas Grandes	CH		104.9		107-58-00	319.9	61.9	CLEAR
			286B		31-19-49	225.9	146.6	145
Nogales	SO		105.1		110-56-42	45.3	1.6	CLOSE
XHNIFM			286B	5.2	31-19-52	226.2	147.2	145
Nogales	SO		105.1	-39	110-57-17	45.6	2.2	CLOSE
USED			287C2		32-48-59	312.3	93.3	56
Kearny	AZ		105.3		110-34-30	131.9	37.3	CLEAR
Effective 2-26-90-Rsvd for KCDX, per			D89-75					
KZLZ	LIC	Desert West Air Ranch	287C2	50.	32-49-38	313.1	93.8	56
Kearny	AZ	BLH-910521KC	105.3	150	110-34-12	132.7	37.8	CLEAR

End of Constraints Study FM Channel 285C3

**FIGURE 1a**



**Proposed Channel 285C3, Willcox, Az**  
**Permissible Area & Prop. site 70 dbu contour**

**Latitude:** 32 14 48  
**Longitude:** 109 39 52

**Meters**  
 5000 0 5000 10000

FIGURE 1b

Willcox, Arizona

Page 8b

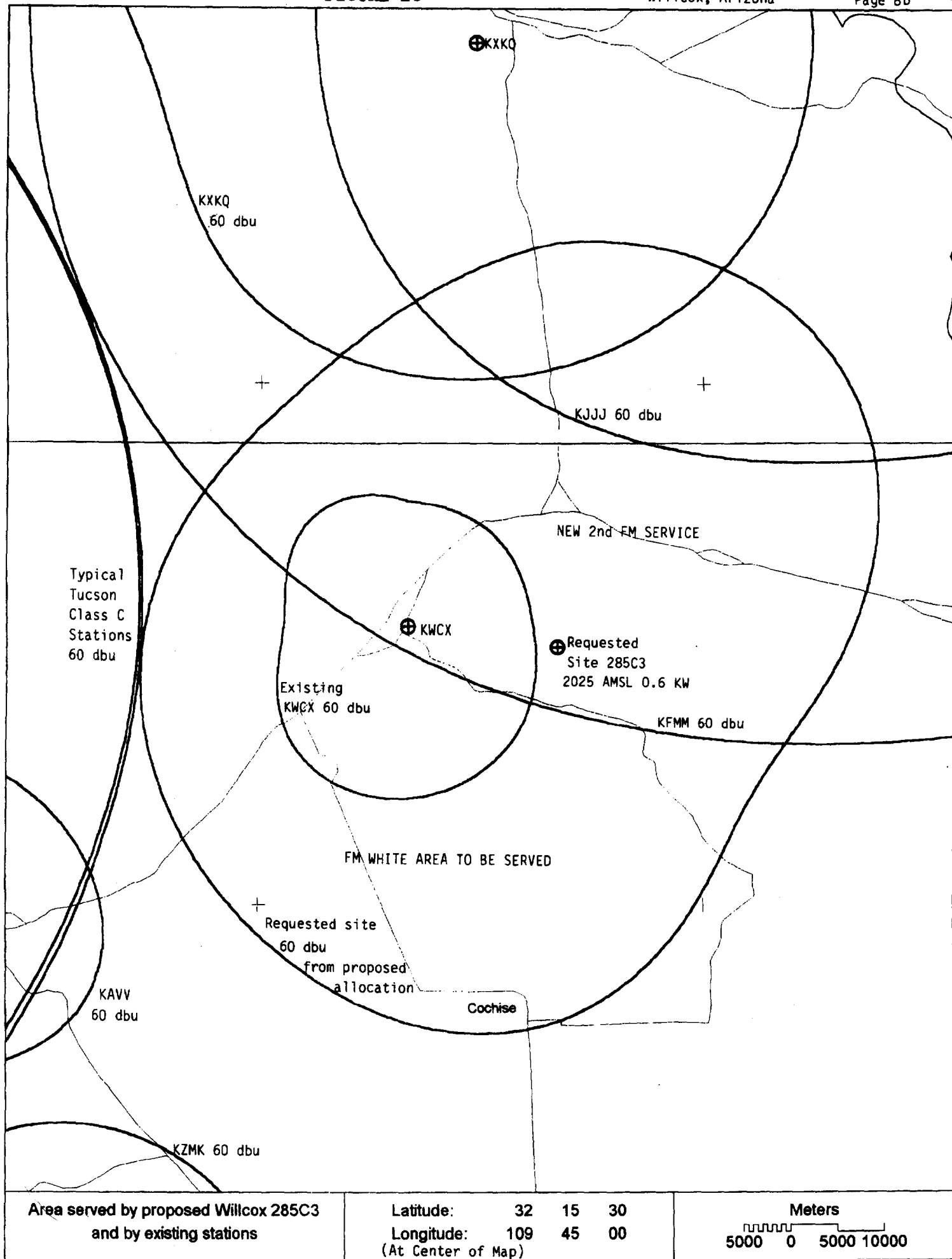


TABLE III

Constraints Study FM Channel 223C3

Title: Potential Alternate Channel  
Reference City: Willcox, AZ  
Translators Are Not Included

Latitude: 32-20-00  
Longitude: 109-48-10  
FCC Database: 941026

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
VACANT			*220A		32-50-00	8.3	56.04	42
Safford	AZ		91.9		109-42-57	188.4	14.04	CLEAR
EFFECTIVE 9-10-62 Docket: 14185								
VACANT			*220A		32-20-53	88.8	103.2	42
Lordsburg	NM		91.9		108-42-25	269.4	61.2	CLEAR
EFFECTIVE 9-10-62 Docket: 14185								
KEKO	LIC	Arizona Lotus Corpora	221C2	50.	32-00-11	248.8	100.7	56
Green Valley	AZ	BLH-911118KA	92.1	150	110-47-49	68.3	44.7	CLEAR
USED			221C2		31-55-34	247.4	116.5	56
Green Valley	AZ		92.1		110-56-27	66.8	60.5	CLEAR
Site restricted-Effective 04-15-91-Reserved for KQYT per D89-587								
KWCD	LIC	Sierra-Pacific Broadc	222A	.05	31-28-52	188.8	96.6	89
Bisbee	AZ	BMLH-910409KC	92.3	676	109-57-30	8.8	7.6	CLOSE
USED			222A		31-28-52	188.8	96.6	89
Bisbee	AZ		92.3		109-57-30	8.8	7.6	CLOSE
Effective 04-15-91-Reserved for KZMK per D89-587 Docket: 89-587								
USED			222C		33-20-00	298.4	238.9	176
Glendale	AZ		92.3		112-03-46	117.2	62.9	CLEAR
Coordinates updated from LIC record			BLH860312KH					
KKFR	LIC	The Broadcast Group,	222C	100.	33-20-00	298.4	238.9	176
Glendale	AZ	BLH-860312KH	92.3	502	112-03-46	117.2	62.9	CLEAR
Santa Cruz			223A		31-13-58	211.9	143.7	143
	SO		92.5		110-36-05	31.5	0.7	CLOSE
USED			223C1		34-06-12	13.5	202.04	211
Eagar	AZ		92.5		109-17-24	193.8	-8.96	SHORT
Allotment downgraded from Class C to C1 by grant of BMPH-940120IC on 940818 at request of applicant.								
>>Note: CP for this Allotment has been granted to petitioner. CP Site is fully spaced to this alternate proposal. Petitioner will accept a site restriction for this allotment if this channel needs to be allotted to Willcox in this proceeding.<<								
KTHQ	CP MOD	William S. Konopnicki	223C1	60.	34-15-06	5.4	213.7	211
Eagar	AZ	BMPH-940120IC	92.5	365	109-35-06	185.5	2.7	CLOSE

TABLE III, Continued

Constraints Study FM Channel 223C3

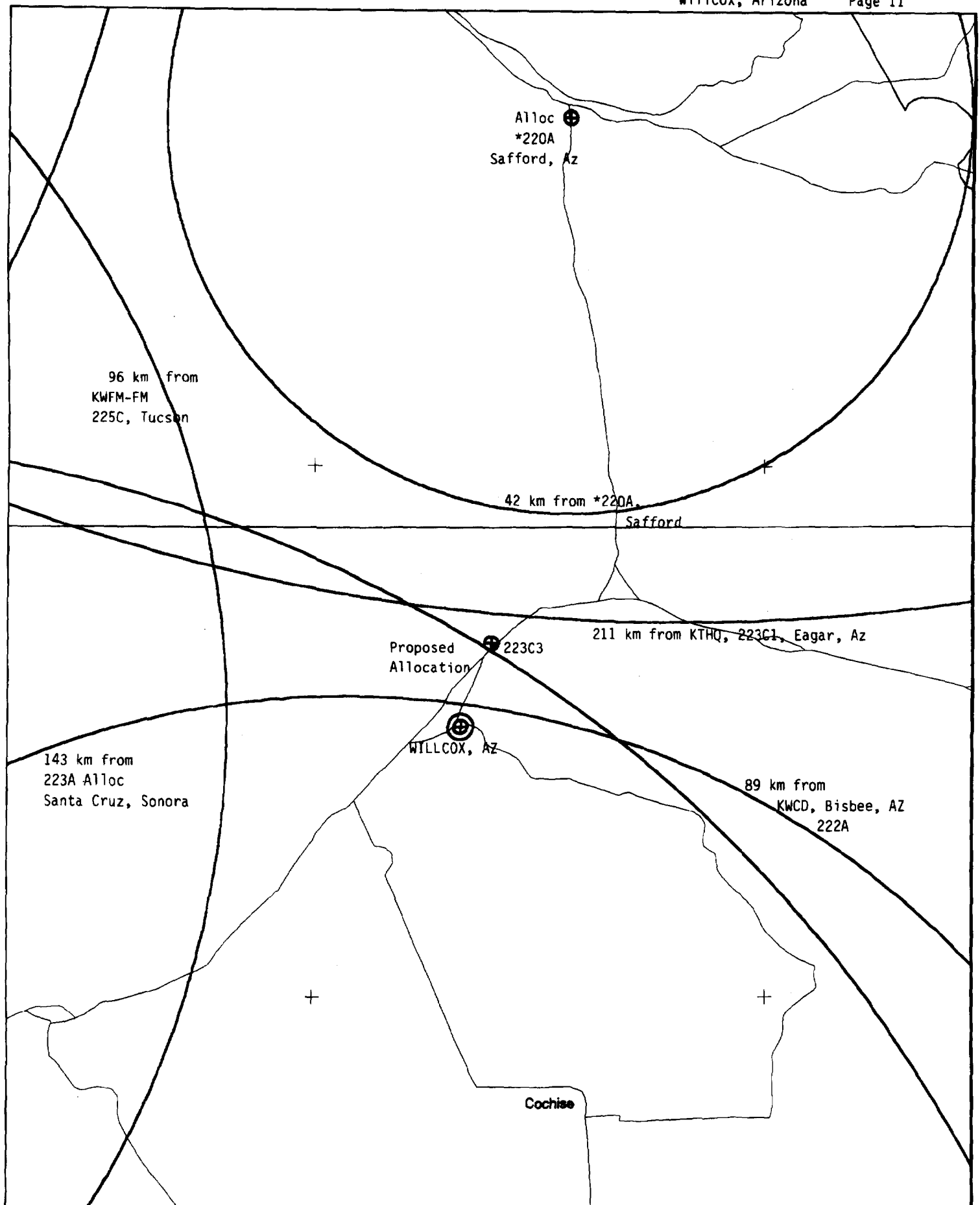
Title: Potential Alternate Channel  
Reference City: Willcox, AZ  
Translators Are Not Included

Latitude: 32-20-00  
Longitude: 109-48-10  
FCC Database: 941026

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
KWFMFM Tucson	LIC	National Radio Partne AZ BLH-850225KK	225C 92.9	93. 621	32-14-56 111-06-59	266.0 85.3	124.1 28.1	96 CLEAR
Tucson	USED	AZ	225C 92.9		32-14-56 111-06-59	266.0 85.3	124.1 28.1	96 CLEAR
Coordinates updated from LIC record			BLH850225KK					
Silver City Docket: 93-9	VACANT	NM	225C2 92.9		32-50-40 108-14-18	68.4 249.2	157.4 101.4	56 CLEAR
KSCQ Silver City	APP	Avila Beach, Limited NM BPH-940624IB	225C2 92.9	3.9 312	32-50-40 108-14-18	68.4 249.2	157.4 101.4	56 CLEAR
KLQB Oracle	LIC	Golden State Broadcas AZ BLH-900809KC	276A 103.1	0.9 153	32-37-07 110-47-20	289.2 108.7	97.9 85.9	12 CLEAR
KLQB Oracle	DEL	Desert West Air Ranch AZ RM-8106	276A 103.1		32-37-07 110-47-20	289.2 108.7	97.9 85.9	12 CLEAR
PRM Docket: 93-69								
Oracle	USED	AZ	276A 103.1		32-37-07 110-47-20	289.2 108.7	97.9 85.9	12 CLEAR
Coordinates updated from LIC record			BLH860317KB					

End of Constraints Study FM Channel 223C3

**FIGURE II**



Permissible Location Area for  
Alternate Channel 223C3 Willcox, Az

Latitude: 32 20 00  
Longitude: 109 48 10

Meters  
5000 0 5000 10000

VI. CONCLUSION.

The allocation proposed in this petition, if granted, can provide for service consistent with Section 73.315(a) of the rules to the entire city of Willcox. It is believed to be in the public interest, convenience and necessity that this petition be granted.

VII. CERTIFICATION.

Dennis Silver, under penalty of perjury, states that the statements in this report are true and accurate based on his own knowledge or upon information supplied to him which he believes to be true.



Dennis Silver  
Registered Professional  
Engineer, State of Utah  
Registration No. 168212  
Formerly Number 7096

Signed this 7 th day of December, 1994.